



June 12, 2006

**VIA EMAIL – [nop.livestock@usda.gov](mailto:nop.livestock@usda.gov)**

Mr. Mark Bradley  
Associate Deputy Administrator  
Transportation & Marketing Programs  
National Organic Program  
1400 Independence Avenue, SW  
Room 4008-So.  
Ag Stop 0268  
Washington, DC 20250

**RE: Docket Number TM-05-14  
National Organic Program – Access to Pasture – Advance Notice of  
Public Rulemaking**

Dear Mr. Bradley:

CROPP Cooperative respectfully submits the following comments regarding the Docket Number TM-05-14 that seeks information as part of the Advance Notice of Public Rulemaking (ANPR). CROPP Cooperative's "Organic Valley" label is the nation's largest farmer-owned certified organic brand. The Cooperative's membership includes nearly 750 organic family farms in 22 states. CROPP's structure as an agricultural cooperative owned by its members provides it with a unique opportunity to comment to the USDA on behalf of its dairy farmers, and as a dairy processor. In addition, CROPP has encouraged its members to comment individually to the USDA with regard to this docket.

The USDA has sought answers to a series of questions regarding pasture, and access to pasture as required by the National Organic Standards. CROPP understands that the USDA has already collected significant information through the Pasture Symposium offered in April, 2006, and through many comments submitted as part of this ANPR.

In the past few years, CROPP has gone through a process regarding pasture surprisingly similar to what the USDA has done, both through the National Organic Standards Board, and in the current ANPR. A representative group of CROPP farmers convened as a committee to

determine CROPP's internal policy with regard to access to pasture. The end product of many meetings and recommendations is attached to this comment, "CROPP's Pasture Policy."

As you will see, the pasture policy reflects what CROPP believes is the intent of pasturing as part of an organic operation. The goal of the policy is to have pasture provide a significant portion of feed, and the farmer must develop a plan which demonstrates how the farmer will optimize the pasture component of the system. To help the farmer determine what is "significant" and what will "optimize" pasture, the policy also includes recommended goals of 120 days on pasture, a 30% dry matter intake, and a goal of 3 lactating cows per acre.

CROPP's policy uses a farm plan approach – the operation must be centered around a farm plan which encompasses all aspects of production – including crop rotation, pasture, feed, replacements, and animal health and welfare. CROPP believes that the farm plan approach is the best way to have an individual farm assess what issues need to be addressed and improved, in order to achieve the balance that is so critical to an organic farm. The farm plan brings together the pieces in order to construct a sustainable whole – much in the way organic represents a whole system comprised of pieces.

Of course, the National Organic Standards include the Organic System Plan as a critical piece, and CROPP believes that the Organic System Plan is the best place in the standards to implement a solid pasture requirement that is uniformly enforceable. The Organic System Plan regulations already include requirements that the producer address pasture planning:

According to the OFPA an organic plan is defined as follows:

The term "organic plan" means a plan of management of an organic farming or handling operation that has been agreed to by the producer or handler and the certifying agent and that includes written plans concerning all aspects of agricultural production or handling described in this title including crop rotation and other practices as required under this title.

7 USC 6502(13). In the National Organic Standards, the requirements that must be included in an Organic System Plan are further developed stating that a plan must contain:

"a description of practices and procedures to be performed and maintained, including the frequency with which they will be performed." (7 CFR 205.2)

In the following sections, the "practices and procedures" for livestock are further outlined including:

- "The producer of an organic livestock operation must provide livestock with a total feed ration composed of agricultural products, including pasture and forage that are organically produced and, if applicable, organically handled" (7 CFR 205.237(d))

- “The producer must establish and maintain preventative livestock health care practices, including...provision of a feed ration sufficient to meet nutritional requirements, including vitamins, minerals, protein and/or amino acids, fatty acids, energy sources and fiber (ruminants); (7 CFR 205.238 (a)(2))
- “Establishment of appropriate housing, pasture conditions and sanitation practices to minimize the occurrence and spread of diseases and parasites.” (7CFR 205.238 (a)(3))
- “The producer of an organic livestock operation must establish and maintain livestock living conditions which accommodate the health and natural behavior of animals...including access to pasture for ruminants.” (7CFR 205.238 (a)(3))

It is clear that the Organic System Plan on a livestock operation, must include, as part of the plan, a detailed and specific pasture plan. The plan must describe the frequency of the practice of pasturing the animals (ie., how many days) and what part of the total feed ration is comprised of pasture (DMI intake). When a livestock operation is inspected, the certifier should look at the plan, and determine if the producer is maximizing the number of days the animals are out on pasture, and if a significant portion of the total feed ration is coming from pasture. Irregardless of whether the proposals of 120 days and 30% DMI are included in a final rule or guidelines, CROPP believes that the pasture plan must demonstrate that the producer is maximizing the animals’ access to pasture as a part of the operation. The plan becomes the critical piece of information that the certifier will use to ensure that the producer is meeting the requirements for pasture on the operation.

There have been questions raised about the consistency of enforcement of access to pasture. To address that, CROPP has developed and attached to this comment a form that can be used by operators to fully develop a sound, working pasture plan, and by certifiers to fully understand the pasture component of the dairy operation. The form provides the operator and certifier specific information which can be answered, and later revisited to determine if the information was accurate and complied with.

The plan with this form, therefore, becomes the enforcement tool. When the inspector returns the following year for the annual inspection, that plan should be revisited. The plan must carry through from year to year, inspector to inspector, and certifier to certifier. The annual inspection must include a review of the past year’s performance with regard to pasture. How many days did the animals spend on pasture? Did that comply with the plan? If it was less than what was in the plan, what are the reasons? Were there legitimate reasons for confining the animals? Was confinement done on an individual animal basis or a herdwide basis? What was the total feed ration for the year, what portion of the feed was dry matter intake, and did the producer maximize the amount of pasture as part of that ration? Are changes to the plan requested or required, and are there sound reasons for those changes? Clearly there are many areas that a certifier can look at to determine if a producer has complied with the pasture plan laid out in Organic System Plan, and look at other factors such as the animals’ health and welfare to ensure that the producer is operating in a manner consistent with the organic standards.

The requirement that ruminants be provided access to pasture is clear, both for animal feed and animal welfare. Pasture is a bridge between these issues, and as such it has become the focal point of many concerns that certain operations in organic dairy industry are not meeting organic requirements by falling short on pasture – thus harming animals both by not providing adequate feed for a ruminant, and by not satisfying animal natural behavior needs by keeping them off the pasture.

The organic consumer is purchasing products with the USDA Organic Seal because that seal represents an agricultural production method that “integrate[s] cultural, biological and mechanical practices that foster cycling of resources, promote[s] ecological balance and conserves diversity.” (7 CFR 205.2) A practice, such as not providing adequate pasture, takes away a foundation health component and natural behavior and is not a practice that the consumers count on when buying organic products.

Thank you for the opportunity to comment on this important issue.

Yours truly,

/s/

Melissa Hughes



## CROPP COOPERATIVE PASTURE POLICY

**Definition of Pasture:** A pasture consists of a mixture of nutritious grasses, legumes and variable plant species, attached to their respective root systems. Pasture must be managed to prevent degradation of soil and water quality.

1. Ruminant livestock must have access to graze pasture during the months of the year when pasture provides edible forage, and the grazed feed must provide a **significant** portion of the feed requirements during those months. **The Farm Pasture Plan** must illustrate how the producer will **optimize** the pasture component of the total feed used in the farm system.
2. The producer of ruminant livestock may be allowed temporary exemption to pasture because of:
  - a. Conditions under which the health, safety, or well-being of the animal could be jeopardized.
  - b. Inclement weather
  - c. Temporary conditions which pose a risk to soil and water quality.
3. The producer of ruminant livestock may be allowed exemption to pasture during the following stages of production:
  - a. Dairy stock under the age of 6 months
  - b. Birthing

Any existing Organic Valley producer that currently does not meet this **Farm Pasture Plan** has one year to comply. If needed, more time may be arranged through a written appeal process to the Dairy Executive Committee.

### CROPP Pasture Plan Recommended Goals

- 1) A lactating cow must have a minimum goal of four (4) months or 120 days physically on pasture per each growing season, unless a producer's local conditions do not yield a pasture season of 120 days.
- 2) A minimum goal of 30% dry matter intake of the total lactating cow's diet must come from grazed pasture during that region's growing season.
- 3) The stocking rate for pasture is a goal of a maximum of three (3) lactating cows per acre of pasture. (If you can demonstrate a higher stocking rate that will be acceptable.)
- 5) Dry cows must have a least 30 days access to pasture if that coincides with the grazing period for that region.
- 6) Young animals must have some introduction to pasture after six months of age. After one year of age, it must have access to pasture, coinciding with that regions grazing period.

**PASTURE PLAN**  
**ADDENDUM TO ORGANIC SYSTEM PLAN FOR DAIRY**

Name of Certified Operation: \_\_\_\_\_

General Information Regarding Operation:

Number of Total Acres Owned by Operation: \_\_\_\_\_

Number of Total Acres Certified Organic: \_\_\_\_\_

Number of Certified Organic Acres Used as Cropland: \_\_\_\_\_

Number of Certified Organic Acres Used as Pasture: \_\_\_\_\_

Acres Irrigated: \_\_\_\_\_

Acres Non-Irrigated: \_\_\_\_\_

Number of Dairy Cows Owned by Operation: \_\_\_\_\_

Number of Certified Organic Dairy Cows Owned by Operation: \_\_\_\_\_

Number of Dairy Animals Over Six Months: \_\_\_\_\_

General Description of Pasture Plan on Operation:

Pasture Plan Details:

How many days will the animals in the operation be on pasture during the year? \_\_\_\_\_ (not less than 120 days)

Estimated Beginning Date: \_\_\_\_\_

Estimated End Date: \_\_\_\_\_

What specific fields or pasture will be used for pasture?

Are the operation's cows on pasture during the entire growing season for the region?

If not or if the operator cannot meet the minimum of 120 days, the operator must detail the reasons why not, and what steps are being taken to maximize the days on pasture.

How long each day are the cows on pasture?

Temporary Confinement:

Are the operation's animals confined on a regular basis for any reason?

Are the animals confined based on a stage of production? If so, state reasons why.

Are the animals confined on an individual basis, or as part of an ongoing plan?

Total Feed Ration:

What is the total feed ration for the operation's animals?

What portion of the feed ration, on a DMI basis, is pasture?

Can the portion of feed ration that is currently pasture be increased so that the animals are receiving 30% DMI? If so, what is the operation's plan to increase the portion of feed ration provided by pasture?